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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,607	07/18/2003	Ying-Ta Lu	LU20	2433

1444 7590 06/16/2005

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WASHINGTON, DC 20001-5303

EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/621,607

Applicant(s)

LU, YING-TA

Examiner

Michael J. Kyle

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 and 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claim 3, 5, and 6 is withdrawn in view of the newly discovered reference(s) to Backus and Nomura et al (U.S. Patent No. 5,465,191. Examiner notes claim 3 has been canceled by the amendment of April 1, 2005, and the subject matter of the claim has been partially incorporated into new claim 7. Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

2. Claim 7 is objected to because it is unclear which edges are the first and second edges, as the terminology "first edge" and "second edge" cannot be found in the specification. As best understood by examiner, the first edge is the "hinging edge" 23, and the second edge is the "edge" 24 described in the specification.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert (U.S. Patent No. 6,152,499) in view of Backus (U.S. Patent No. 1,133,254). Robert discloses a locking device for a casing where a recess is formed on second edge of a seat (rectangular block

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shown in figures 6 and 7) of the casing, and the locking device includes a buckling member (5, 7) protruding downwards from a cover (not shown in drawings, but referred to as "lid", in abstract), and having a projecting portion (7) and an arcuate face (at 7). A roller (13) is rotatably engaged (with 12) at opposite ends of the roller. The roller has an upper slot (31) and a pattern arranged on an outer surface (at 27, 29). A diameter of the roller is larger than a depth of the recess (at 33), such that the roller partially protrudes from the second edge. The buckling member (5, 7) is engaged in the upper slot (31) when the cover is closed against the seat. When a user rotates the roller and lifts the cover off the seat, the arcuate face slides against the upper slot until the buckling member is disengaged from the roller. Robert fails to disclose a resilient element.

5. Backus teaches a latch comprising device of a casing, where the casing comprises a seat (12) and a lid (18). The seat has a recess (within 1) containing a roller (6). Backus further shows a buckling member (16) with a protruding portion (16). A resilient member (11) is engaged between the recess and the roller to return the roller to an initial position after the roller has been rotated. The resilient member allows for the cover to be firmly secured to the seat whenever the cover is in a closed position. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Robert as taught by Backus, such that the roller of Robert is biased to an initial position, to ensure the lid is secured to the base whenever the lid is closed.

6. With respect to claim 2, Robert discloses the roller (13) to further include an inner recess (radially within 31) for containing the projecting portion.

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7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert in view of Backus as applied to claim 7 above, and further in view of Nomura et al ("Nomura", U.S. Patent No. 5,465,191). Neither Robert nor Backus disclose the pattern on the locking device to be an alternate series of concaves and convexes, to include parallel grooves, or to include embossing arrayed with a predetermined distance therebetween.

8. Nomura teaches a latch for a housing where the latch includes a slider (12) with an anti-skid surface pattern (12k). Examiner considers slider (12) to be analogous to the roller of the present invention because both the roller and slider are used to actuate the latch. The anti-skid pattern (12k) includes a series of concaves and convexes, parallel grooves (between projection portions, see figure 6) and embossing with a predetermined distance therebetween (projecting portions of 12k). These patterns are used to assist the user in gripping the slider to actuate the latch with their fingers. It would have been obvious to one having ordinary skill in the art at the time of the invention to include the patterns taught by Nomura on the roller portion of Robert, in the area surrounding 29, so that a user may grip the roller with their fingers and easily turn the roller into locked and unlocked positions without using additional tools. It is further noted that while the anti-skid pattern (12k) of Nomura appears to be a jagged surface, it is within the level of having ordinary skill in the art to round the peaks and valleys of the projections to form a concave and convex pattern. Rounding the projections to form concave and convex parts produces no new or unexpected result.

***Response to Arguments***

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9. Applicant's arguments with respect to claims 2 and 4-7 have been considered but are moot in view of the new ground(s) of rejection. All claims are now rejected based on the combination of at least Robert and Backus. Backus is a newly cited reference showing a resilient member that returns a roller to an initial position.


*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk

  
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